

ORIGINAL

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

ERNEST C. WHEELER

Plaintiff

v.

MICHAEL CHERTOFF

Defendant

Civil Action No. C08-01738 SBA

**Amended
Summons in a Civil Action**To: MICHAEL CHERTOFF*(Defendant's name)*

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Thomas G.F. Del Beccaro
Del Beccaro, Hornsby & Blake
800 S. Broadway, Suite 301
Walnut Creek, California 94596

or

Robert R. Pohls
Pohls & Associates
12657 Alcosta Boulevard, Suite 150
San Ramon, California 94583

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: APR 15 2008Richard W. Wieking

Name of clerk of court

Anita Penakon
Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)


Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on APRIL 15, 2008,
by:

- (1) personally delivering a copy of each to the individual at this place, _____; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
on the attachment hereto, in accordance with FRCP Rule 4(C); or
- (4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ 0 for travel and \$ 0 for services, for a total of \$ 0.00.

Date: 5/14/2008


Server's signature

ROBERT R. POHLS, Attorney for Plaintiff
Printed name and title

12657 Alcasta Blvd., Ste. 150, San Ramon, CA 94583
Server's address

Ernest C. Wheeler v. Michael Chertoff, etc.
U.S. District Court, Northern District of California
Case No. CV08-1738 SBA
(Attachment to Amended Summons)

In accordance with Rule 4(i) of the Federal Rules of Civil Procedure, copies of the summons and complaint were sent by certified mail (return receipt requested) to each of the following persons/entities at the addresses set forth below:

Civil-Process Clerk
United States Attorney's Office
1301 Clay Street, Suite 340S
Oakland, California 94612

Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20472

Michael B. Mukasey, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Secretary Michael Chertoff
U.S. Department of Homeland Security
Washington, D.C. 20528

Copies of the return receipt executed upon the delivery of each such set of documents are attached hereto.

In accordance with Civil Local Rule 4.2, copies of the following documents were concurrently served on each such person/entity, in the same manner:

- (a) A copy of the Order Setting Initial Case Management Conference and ADR deadlines issued pursuant to Civil L.R. 16-2(a), (b) or (c);
- (b) A copy of Judge Anderson's Standing Orders;
- (c) A copy of the Standing Order for All Judges regarding the Contents of a Case Management Statement; and
- (d) A copy of the Court's form of notice concerning the availability of a Magistrate Judge to exercise jurisdiction.

Copies of the following documents also were concurrently served on each such person/entity, in the same manner:

- (a) A copy of the Civil Cover Sheet for this action;
- (b) A copy of the Certification of Interested Entities or Persons that plaintiff filed on April 1, 2008; and
- (c) A copy of the Court's ECF Registration Information Handout.

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CIVIL-PROCESS CLERK
UNITED STATES ATTORNEY'S OFFICE
1301 CLAY STREET, SUITE 3405
OAKLAND, CALIFORNIA
94612

2. Article Number
(Transfer from service label)

7006 0810 0002 7724 2679

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *[Signature]*

- ☒ Agent
- ☐ Addressee

B. Received by (Printed Name)

SBARNUM

C. Date of Delivery

4/17/08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☒ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.


1. Article Addressed to:

MICHAEL B. MUKASEY, ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C.
20530-0001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X



- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

APR 21 2008

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2. Article Number

(Transfer from service label)

7006 0810 0002 7724 2686

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FEDERAL EMERGENCY MANAGEMENT AGENCY
500 C STREET
WASHINGTON, D.C. 20472

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Jordan [Signature] 4/24/08

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7006 0810 0002 7724 2693

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SECRETARY MICHAEL CHERTOFF
U.S. DEPT. OF HOMELAND SECURITY
WASHINGTON, D.C. 20528

2. Article Number

(Transfer from service label)

7006 0810 0002 7724 2709

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Lynda R. P. [Signature]

C. Date of Delivery

4/29/08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes